

**SECOND AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office AUG 03 2006
Returned to applicant for correction AUG 24 2006
Corrected application filed SEP 27 2006
Map filed SEP 27 2006

The applicant **Gary and Julie Borgna** hereby makes application for permission to change the **Place of use of a portion** of water heretofore appropriated under **United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3; United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in the Federal District Court of Nevada.**

1. The source of water is **Truckee and Carson River**
2. The amount of water to be changed **70.35 acre-feet**
3. The water to be used for **as decreed**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **Lahontan Dam within SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T.19 N, R. 26 E., M.D.B. &M**
6. The existing permitted point of diversion is located within **no change**
7. Proposed place of use **NW $\frac{1}{4}$ SW $\frac{1}{4}$ (9.44 ac.), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (10.66), of Section 33, T. 19N., R.29E., M.D.B.&M. A total of 20.10 ac TCID SN726**
8. Existing place of use **NW $\frac{1}{4}$ SW $\frac{1}{4}$ (7.35 ac.), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (12.75), of Section 33, T. 19N., R.29E., M.D.B.&M. A total of 20.10 ac TCID SN726**
9. Use will be from **as decreed** of each year
10. Use was permitted from **as decreed** of each year.
11. Description of proposed works **dams canals, & ditches**
12. Estimated cost of works **complete**
13. Estimated time required to construct works **complete**
14. Estimated time required to complete the application of water to beneficial use **3 years**
15. Remarks:

By **Randal L. Briggs, S.W.R.S. #875**
s/ Randall L. Briggs Agent, TEC
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89521

Compared sc/bk lb/ gkl

Protested _____

74591

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit, to change the place of use of a portion of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees, is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **70.35 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

March 2, 2010

Map in support of proof of beneficial use shall be filed on or before:

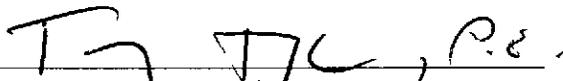
March 2, 2010

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **2nd** day of **March,** A.D. **2007**



State Engineer

Completion of work filed June 25, 1998 under 62742

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____